

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

I. Telephone Interview

The Applicant would like to thank Examiner Naqi for conducting a telephone interview on June 11, 2009 in connection with the above-identified application.

During the interview the outstanding 35 U.S.C. §§ 112 and 103(a) rejections were discussed in detail. In summary, the Examiner agreed that if certain amendments were made, then the application would be in condition for allowance.

Regarding the 35 U.S.C. § 112, first paragraph rejection, the Examiner kindly agreed that if the claimed “third biological information sensor modules” is replaced with a “warning unit,” as clearly defined in the specification, then the rejection would be withdrawn.

Regarding the 35 U.S.C. § 112, second paragraph rejection, the Examiner agreed that by clarifying that “an integrated circuit” includes the measurement calculating unit, then he would be forced to interpret the measurement calculating unit as being more than software alone.

Regarding the 35 U.S.C. § 103(a) rejections, the Examiner agreed that the limitation recited in claim 22 regarding the calculation of the pulse difference distinguishes over the referenced prior art.

Finally, during the interview the Examiner suggested replacing the claimed phrase “not less than” with the phrase “equal to or greater than.”

II. Amendments to the Claims

Claims 1-8, 10, 11, 13-17, 19-21, 23, 25 and 27 have been cancelled without prejudice or disclaimer of the subject matter contained therein.

New claims 28 and 29 have been added to depend from independent claim 22.

Further, as suggested by the Examiner, claims 22 and 24 have been amended in order to overcome the objections and rejections discussed below.

III. Objections to the Drawings

The drawings were objected to for not showing every feature of the invention recited in claims 6, 24 and 25. Specifically, claims 6, 24 and 25 were objected to for reciting “third biological information sensor modules,” which are not illustrated in the drawings.

This objection is considered moot regarding claims 6 and 25, since, as mentioned above, claims 6 and 25 have been cancelled.

Further, as agreed to by the Examiner during the interview, this objection is clearly inapplicable to claim 24, since claim 24 has been amended to replace the “third biological information sensor modules” with the “warning unit,” which is illustrated in the drawings.

As a result, withdrawal of these objections is respectfully requested.

IV. 35 U.S.C. § 112, First Paragraph Rejection

Claims 6, 24 and 25 were rejected under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. Specifically, claims 6, 24 and 25 were rejected for reciting “third biological information sensor modules,” which is not described in the

specification.

This rejection is considered moot regarding claims 6 and 25, since, as mentioned above, claims 6 and 25 have been cancelled.

Further, as agreed to by the Examiner during the interview, this rejection is believed clearly inapplicable to claim 24, since claim 24 has been amended to replace the “third biological information sensor modules” with the “warning unit,” which is clearly described in the specification.

As a result, withdrawal of this 35 U.S.C. § 112, first paragraph rejection is respectfully requested.

V. 35 U.S.C. § 112, Second Paragraph Rejection

Claims 4-13, 17-19 and 21-27 were rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the rejection states that the claimed “measurement calculating unit” can be interpreted as software alone.

This rejection is considered moot regarding claims 4-8, 10, 11, 13, 17, 19, 21, 23, 25 and 27, since, as mentioned above, claims 4-8, 10, 11, 13, 17, 19, 21, 23, 25 and 27 have been cancelled.

In addition, as agreed to by the Examiner during the interview, this rejection is no longer applicable to independent claim 22 and the claims that depend therefrom, since claim 22 has been amended to clarify that an integrated circuit includes the measurement calculating unit, which requires more than software alone.

As a result, withdrawal of this 35 U.S.C. § 112, second paragraph rejection is respectfully requested.

VI. Allowable Subject Matter

During the telephone interview claim 22 was identified by the Examiner as containing allowable subject matter (i.e., measuring/calculating the pulse difference). The Applicants would like to thank the Examiner for this indication of allowable subject matter.

All other remaining independent claims (i.e., claims 21 and 23) have been cancelled, leaving only allowable independent claim 22 remaining. Accordingly, in view of the Examiner's indication of allowable subject matter as discussed above, it is submitted that amended independent claim 22 and claims 9, 18, 24, 26, 28 and 29 that depend therefrom are allowable.

VII. 35 U.S.C. § 103(a) Rejections

Claims 5-8, 10, 11, 13, 17, 19, 21, 23, 25 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Lamb (U.S. 3,651,694), Alvarez (U.S. 6,238,354), Nakamura et al. (U.S. 5,724,980), Inagaki et al. (U.S. 6,344,025), Besson et al. (U.S. 5,862,803), Journal of Nursing Science and Journal of Brain and Nervous Diseases.

In view of the above-discussed allowability of claim 22, which is the only remaining independent claim, these 35 U.S.C. § 103(a) rejections are not applicable to claim 22 and the claims that depend therefrom. As a result, withdrawal of these rejections is respectfully requested.

VIII. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.

Respectfully submitted,

Noritada KATAYAMA

/Andrew L. Dunlap/

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Andrew L. Dunlap

Registration No. 60,554

Attorney for Applicant

ALD/led
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
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